

### **REMARKS/ARGUMENTS**

Claims 1-5, 7, 9, 15-24, 28, 30, 31 and 35-38 are pending in the application. Claims 6, 8, 10-14, 25-27, 29 and 32-34 have been cancelled.

Claims 1-5, 7, 9, 15-24, 28, 30 and 31 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-97 of U.S. Patent 5,613,751. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because applicant merely uses slightly different claim language to claim the same invention.

Applicant disagrees. Nevertheless, a terminal disclaimer in compliance with 37 CFR 1.321(c) is filed herewith to overcome the rejection based on the '751 patent.

Claims 1-5, 7, 15-24 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Matsui et al (U.S. Patent 4,985,809).

Admittedly Matsui et al discloses a light emitting panel assembly comprising a light emitting panel member for receiving light from a light source 8. However, the panel member 10 of Matsui et al does not have two or more separate parts or modular components as recited in claim 1 and is not formed of two or more inserts, components or parts as recited in claim 15. Moreover, the frame 2 of Matsui et al is not a structural member for holding, positioning or supporting two or more inserts, components or parts of a panel member as recited in claim 15. Accordingly, claims 1 and 15 are submitted as clearly allowable over Matsui et al.

Claims 2-5 and 7 depend from claim 1 and claims 16-24 and 28 depend from claim 15 and are submitted as allowable for substantially the same reasons. Moreover, claims 2-4 further patentably distinguish over Matsui et al by reciting, *inter alia*, a

structural member for supporting the parts or modular components. Also claims 3, 4, 22 and 23 additionally recite that the structural member comprises a tray for receiving, holding, positioning or supporting the inserts, components or parts. The frame 2 of Matsui et al is not a tray and does not support a panel member comprised of two or more separate parts, inserts or modular components. Nor does the frame of Matsui et al comprise a tray that includes a bottom wall that acts as a reflector for the panel member as further recited in claims 4 and 23 or acts as a reflector for one or more of the inserts, components or parts of a panel member as recited in claim 28.

Claims 7 and 24 also further patentably distinguish over Matsui et al by reciting that at least some light travels from at least one of the inserts, components or parts to another of the inserts, components or parts. Also claims 16 and 17 further patentably distinguish over Matsui et al by reciting that at least two of the inserts, components or parts are shaped to mate with one another. In addition, claim 17 recites a reflector between at least one mating surface between two of the inserts, components or parts, which is clearly nowhere disclosed in Matsui et al.

Claims 1-5, 7 and 28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fredriksz et al (U.S. Patent 5,477,423). However, the light emitting panel member 7 of Fredriksz, like the light emitting panel member 10 of Matsui et al, is a single piece panel member rather than a panel member comprised of two or more separate parts or modular components as recited in claim 1. Accordingly, claim 1 is submitted as clearly allowable over Fredriksz et al.

Claims 3-5 and 7 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claims 2-4 further patentably distinguish

over Fredriksz et al by reciting a structural support for supporting the parts or modular components. Also claims 3 and 4 additionally recite that the structural member comprises a tray for receipt of the parts or modular components, and that the tray includes a bottom wall that acts as a back reflector for the panel member. The support 3 of Fredriksz et al does not support two or more separate parts or modular components of a light emitting panel member, and does not constitute a tray for receipt of the parts or modular components or that includes a bottom wall that acts as a back reflector for the panel member as further recited in claims 3 and 4, respectively.

Claim 7 also further patentably distinguishes over Fredriksz et al by reciting that at least some light from the light source travels from at least one of the parts or components of the panel member to another of the parts or components.

Claim 28 depends from claim 15 and is submitted as allowable for substantially the same reasons in addition to reciting that the structural member acts as a reflector for one or more of the inserts, components or parts of the panel member.

Claims 9, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al or Fredriksz in view of Tokunaga (U.S. Patent 5,375,043). According to the Examiner, it would have been obvious to substitute a low voltage LED light source as taught by Tokunaga for the light source of Matsui et al or Fredriksz et al in order to provide a longer lasting and more efficient light source. However, claim 9 depends from claim 1 and claims 30 and 31 depend from claim 15 and are submitted as allowable for substantially the same reasons. Moreover, claims 30 and 31 further patentably distinguish over these references by reciting that one of the inserts, components or parts of the panel member comprises a light transition area.

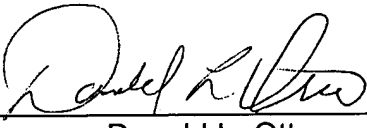
New claims 35-38 also depend from claim 15 and further patentably distinguish over the cited references by reciting, *inter alia*, that at least one of the inserts, components or parts of the panel member has a recess in which an other insert, component or part is received. Also claims 36-38 additionally recite that the other insert, component or part is a light transition area; claims 37 and 38 additionally recite that the light source is contained within the light transition area; and claim 38 additionally recites that the light source comprises one or more light emitting diodes. It is not seen where any such structure is disclosed or suggested in any of the cited references.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-5, 7, 9, 15-24, 28, 30, 31 and 35-38, and early action to that end is earnestly solicited. Should the Examiner disagree with applicant's attorney in any respect, it is respectfully requested that the Examiner telephone applicant's attorney in an effort to resolve such differences.

In the event an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988).

Respectfully submitted,

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